IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8622 of 2005

Between:

Abdullah Khan, S/o.Doulat Khan,
Depot-I, APSRTC, Nizamabad R/o.H.No.11-1578, Chandrashekhar Colony,
Nizamabad-550863

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,

Rep. by its Regional Manager, Nizamabad.
2 Depot Manager-I,

APSRTC, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of writ of Mandamus; 1. Declaring the proceedings No.E2/369(1)/05-NZB-1, Dt.28.2.2005 issued by the 2nd respondent as illegal, arbitrary and set aside the same. 2) Consequently direct the respondents to conduct a denova enquiry by appointing any other Enquiry Officer who is not subordinate to the 1st and 2nd respondents.

Counsel for the Petitioner :Mr.K.VASUDEVA REDDY

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the stage of admission made the following :

ORDER:

Seeking to declare the proceedings No.E2/369(1)/05-NZB-1, dated 28-02-2005 issued by the 2nd respondent as illegal and arbitrary nor a consequential direction to the respondents to conduct a denova enquiry by appointing any other Enquiry Officer who is not subordinate to the respondents, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent-corporation.

It is only a show cause notice calling for the explanation within seven days from the date of receipt of notice as to why the proposed punishment should not be imposed against the petitioner. The jurisdiction of the authority, which passed this order, is not under challenge. Therefore, all the contentions raised in the writ petition are left open so as to enable the petitioner to raise before the disciplinary authority. Since the petitioner has approached this court, as there is no scope to him for giving his explanation, reasonable opportunity can be given to the petitioner for giving his explanation.

Therefore, the writ petition is disposed of directing the petitioner to give his explanation within two weeks from the date of receipt of a copy of this order and the respondents are hereby directed to take appropriate action in accordance with law. All the contentions raised in this writ petition are left open to the petitioner to raise them before the concerned authorities. No order as to costs.

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K.C.BHANU, J.

Dated: 20-04-2005.

NOTE:

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Furnish CC by Tuesday.

(B/o)

Rns

To

1 The Regional Manager,

Andhra Pradesh State Road Transport Corporation,

Nizamabad.

2 Depot Manager-I,

APSRTC, Nizamabad.

3 Two CD copies